

**Draft
Environmental Assessment**

**POINDEXTER SLOUGH
FISHING ACCESS SITE,
Fiber Optic Line Installation and Easement**

July 2008



***Montana Fish,
Wildlife & Parks***

**Pre-Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:** Utility easement for buried telecommunications cable at Poindexter Slough Fishing Access Site (FAS).
2. **Agency authority for the proposed action:**
Montana Code Annotated 87-11209
Acquisition and Sale of Lands or Waters
3. **Name of project:** (should be the same as the name on the front page)
Poindexter Slough Fishing Access Site Fiber Optic Line Installation and Easement
4. **Project sponsor:**
Southern Montana Telephone Company, P.O. Box 205-Main St. Highway #43
Wisdom, Montana 59761-0205 Phone: (406) 689-3333
5. **Anticipated Schedule:**
Estimated Construction/Commencement Date: August 1, 2008
Estimated Completion Date: August 15, 2008
Current Status of Project Design (% complete): 100%
6. **Location affected by proposed action:**
Beaverhead County, Sections 34 & 35, Township 7 South, Range 9 West.
Refer to Appendix A for location data.
7. **Project size:**

	Acres		Acres
(a) Developed:			
Residential	<u>0</u>	(d) Floodplain	<u>0</u>
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0</u>
(b) Open Space/	<u>.92</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>
8. **Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

(a) Permits: permits will be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Beaverhead County Conservation District	310

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
Agency Name	Funding Amount
USDA Rural Development	\$12,980.00 per mile, this portion

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
Montana SHPO	Concurrence with findings of Cultural Resource Inventory

9. Narrative summary of the proposed action:

Southern Montana Telephone Company, Wisdom, MT, is in the second year of a 3-year, system-wide plan to upgrade their telecommunications facilities in their rural exchange areas of Grant, Jackson, Wise River, and Divide. The purpose of Southern's upgrade program is to replace portions of its aging telecommunications infrastructure with fiber optics, providing state-of-the-art services and technologies to its rural customer base. Southern's proposed upgrade will also provide for redundant/alternate routing of its long distance and critical services such as 911 emergency services, providing for increased reliability of these essential services. The proposed buried facilities across Fish, Wildlife and Parks' Poindexter Slough FAS is specifically for the purpose of redundant/alternate routing of Southern's critical services.

Southern Montana Telephone Company is requesting a right-of-way easement from Montana Fish, Wildlife and Parks for an underground telecommunications cable extending five feet (5') on either side of a centerline all within the SE4 NE4, Section 34 and the S2 NW4, Section 35, Township 7 South, Range 9 West, P.M.M. Total acres contained within the proposed right-of-way corridor is 0.92 acres.

The proposed telecommunications facilities are typically direct buried to a depth of 36 inches by means of a track-type prime mover with a direct mounted cable plow. The area of disturbance during cable placement is transitory in nature and very rarely exceeds the equipment width, about 10.0 feet. The actual cable placement operation directly impacts no more than 8 to 10 inches of soil. Stream or other water body crossings are accomplished by means of directional boring (horizontal drilling) to avoid alteration of the stream banks and streambed. Upon completion of the cable placement, areas of disturbance are restored to a condition acceptable to the landowner by means appropriate to local conditions such as compaction, grading, hand-raking, reseeding, etc.

No above ground appurtenances are proposed or planned along Southern's proposed route through Poindexter Slough FAS. The proposed facility will closely parallel three (3) existing Qwest cables through the property along an abandoned section of old U.S. Highway No. 91. As such, the proposed facility will not change the character of the property nor diminish the public's use of the property for recreational purposes. Also, due to the maintenance-free nature of the proposed facility, there will be no workload for FWP regional or departmental staff associated with this project. Southern Montana Telephone Company has sole responsibility for the construction and maintenance of the facility for its expected life.

Refer to Appendix B for staking sheet location map.

10. Alternatives:

Alternative A: No Action

A no action alternative would result in no change or impact to the existing conditions at Poindexter Slough FAS. However, the no action alternative would do nothing to alleviate the vulnerabilities in Southern Montana Telephone Company's existing long distance and critical services route. Providing an alternate route for these services through Poindexter FAS results in increased reliability for the communities of Divide, Wise River, Wisdom, Jackson and Grant.

Alternative B:

An alternate route around Poindexter Slough was considered but was dismissed as being cost prohibitive. This alternate route would bear south of Highway 278 along County Road 228 to the Barretts exit on I-15, east on Road 243 to its junction with Road 241, then north on 241 to its junction with old highway No. 91 just east of the Poindexter Slough FAS. This alternate route would add approximately 9.05 miles to the preferred route at a cost of approximately \$12,980.00/mi or in excess of \$117,000.00.

Preferred Alternative C: Proposed Action

Note: a detailed evaluation of the Proposed Action is included in Part VI. Environmental Review Checklist beginning on page 6.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

3. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Soil instability or changes in geologic substructure?			X			1a
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X			1b
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

1a. The effect of the cable plow rip in the ground will be minor. No soil is removed during the operation, and the soil will be compacted to its original state.

1b. There will be minor disturbances to the soil during the cable placement operation. The plow rip will be restored to its original compaction and disturbed vegetation re-seeded if necessary.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				
f. Other:		X				

This proposal is not expected to impact air resources.

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. <u>WATER</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				
n. Other:		X				

This project is not expected to impact water resources.

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a
b. Alteration of a plant community?			X			4b
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. **** <u>For P-R/D-J</u> , will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

4a. Minor disturbances to vegetation may occur due to the tracks and rip of the plowing operation. Disturbed areas will be re-seeded with native plants if required.

4b. There will be some impact to native grasses along the project corridor but it will not be a significant area of disturbance. Impacted areas will be re-seeded with native grasses and monitored by Southern for noxious weeds for a period of three (3) years.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. **** <u>For P-R/D-J</u> , will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. *** <u>For P-R/D-J</u> , will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				
j. Other:		x				

This proposal is not expected to impact fish/wildlife resources.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X			6a
b. Exposure of people to serve or nuisance noise levels?			X			6b
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

6a and 6b. Ambient noise levels will increase moderately during the cable placement operation; however, this is only transitory in nature. Noise levels will return to normal upon completion of the project.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other:		X				

This project is not expected to impact surrounding land uses.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				
e. Other:		X				

This proposal is not expected to create risks or health hazards.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

This proposal is not expected to adversely impact neighboring communities.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

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*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources		X				
f. **Define projected maintenance costs.		X				
g. Other:		X				

This proposal is not expected to adversely impact public services, taxes, or utilities.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				
e. Other:		X				

This proposal is not expected to adversely impact aesthetics/recreation.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. **** <u>For P-R/D-J</u> , will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				
e. Other:		X				12e

12e. Ethos Consultants of Havre, MT performed a Cultural Resource Inventory of the project area in September of 2006. Ethos' letter clarifying SHPO concerns is attached as Appendix C.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. ****For P-R/D-J, list any federal or state permits required.		X				13g

13g. Clearance required by Montana Fish, Wildlife and Parks

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2. **Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

N/A

PART III. NARRATIVE EVALUATION AND COMMENT

Discussions of specific items in the EA are located at the end of their respective sections.

PART IV. PUBLIC PARTICIPATION

1. **Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

A legal notice will be published in the Dillon Tribune and the Helena Independent Record. This notice will give a brief description of the project, its location, and contact information for obtaining a copy of the EA. Considering the minimal environmental issues associated with this project, this level of public involvement is adequate.

Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

2. **Duration of comment period, if any.**

A 14-day comment period will run from (July 11, 2008) through (July 28, 2008). Comments should be sent to Mr. Jerry Walker, Regional Parks Manager, FWP Region Three, 1400 South 19th Avenue, Bozeman, MT 59718 or e-mail gwalker@mt.gov.

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

Based on the environmental impact of this project, an EIS is not required. The area of land being disturbed is small and the project will not have any significant impact on the land. The EA is an appropriate level of review for a project of this nature.

2. Preparer:

Chris Crosby, Jr., Project Manager
Heberly and Associates

P.O. Box 1311, 521 4th Street
Havre, Montana 59501
Phone: (406) 265-6741

Jerry Walker
Region 3 Parks Manager

1400 South 19th Avenue
Bozeman MT 59718-5496
Phone: (406) 994-3552

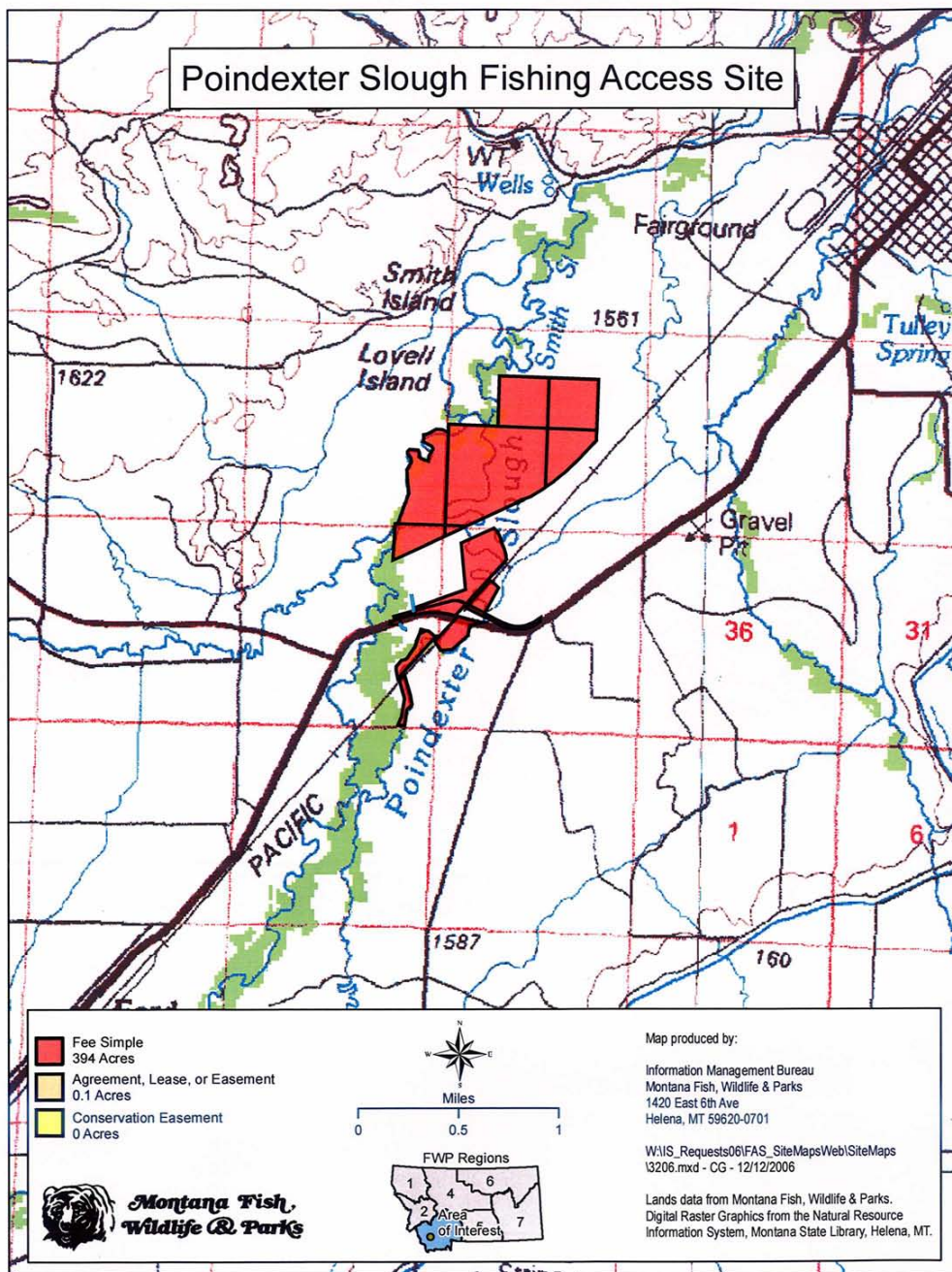
3. List of agencies consulted during preparation of the EA:

Montana Fish, Wildlife & Parks
Parks Division

Montana State Historic Preservation Office (SHPO)
Beaverhead County Conservation District

APPENDICES

- A. Poindexter Slough FAS – Area Map
- B. Staking Sheet – Proposed Route
- C. Concurrence – Montana SHPO
- D. 310 Permits – Beaverhead County



CAUTION	BURIED FIBER & COPPER PLANT STAKING SHEET & PLANT RECORD
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CAUTION

KNOWN UTILITY LINES ARE SHOWN
IN APPROXIMATE LOCATIONS ONLY.
ALL EXACT LOCATIONS ARE TO BE
DETERMINED BY THE CONTRACTOR
DURING CONSTRUCTION.

(ONE CALL 1-800-424-3555)

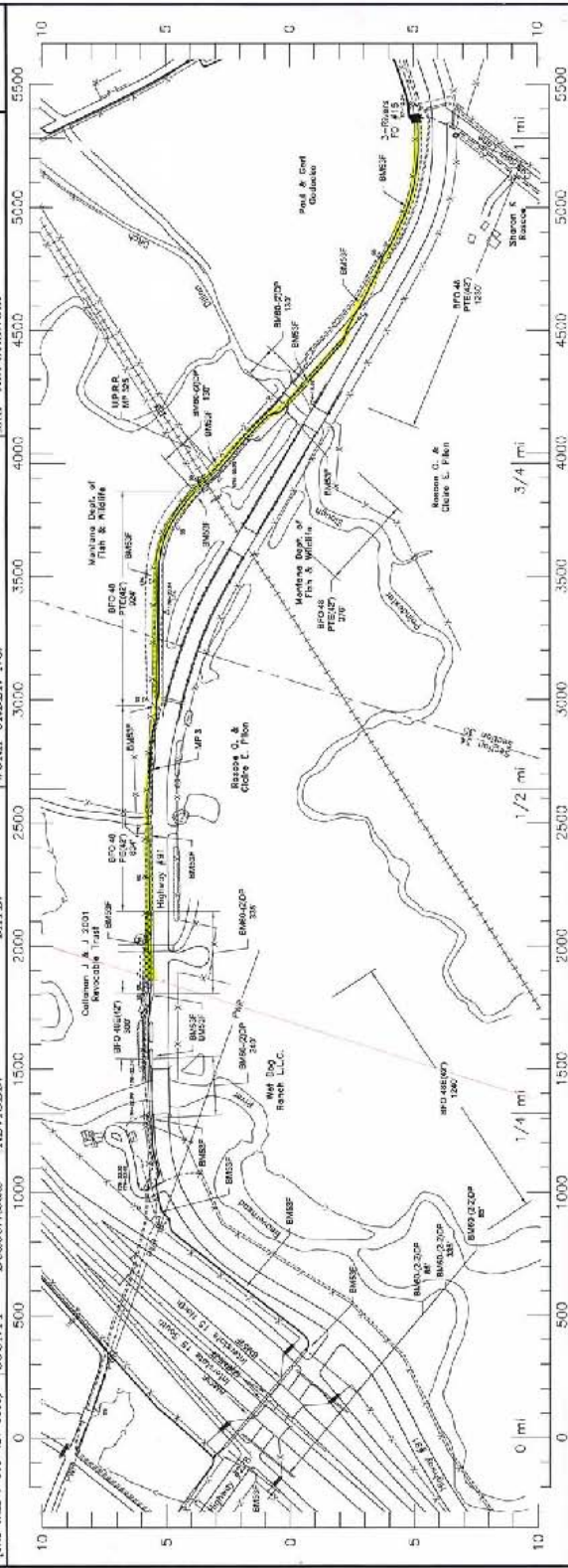
SECTION	34
TOWNSHIP	7S
RANGE	9W
COUNTY	Be

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CT: Barnack Junction
NGE:
NY: Southern Montana Fe
ORDER No.

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ETHOS CONSULTANTS INC.3993 6th Street West
Havre, MT. 59501Phone: (406) 265-7550; Fax (406) 265-3675 e-mail: ethos@buffalajump.org**CONCUR
MONTANA SHPO**DATE May 07 SIGNED Josef J. Warhank

PLEASE EXPEDITE

May 14, 2007

Mr. Josef J. Warhank
Review and Compliance Officer
Montana State Historic Preservation Office
P. O. Box 201202
Helena, MT. 59620-1202RECEIVED
MAY 17 2007

BY: SHPO

Josef
FCCEthos: So MT
Telephone Upgrade
Beaverhead CoRe: Southern Montana Telephone Company 2007 Upgrade Cultural Resources Inventory,
Parts I-II; and your letter of April 9, 2007 to Chris Crosby JR regarding that project

Dear Mr. Warhank:

Further to our telephone conversation earlier today, hopefully the following comments will clarify your remaining concerns:

-In regards to 24BE1687 and 24BE1691, the previously recorded irrigation ditch properties both of which are recorded as being located in different parts of our project survey area. As we observed, no evidence of either site was identified within the project areas. Further, the recorded site areas for both properties that we examined appear to have been heavily disturbed as a result of road construction and/or gravel quarrying, and presumably those portions of both sites have been destroyed by those activities. We admittedly don't know what the degree of integrity for either site might be in site areas outside our project area, and suggest that the NR eligibility of both sites be considered indeterminate.

However, even if future research determines that either site is both significant and that portions of the sites retains sufficient integrity to be determined NR eligible, the portion of those sites within the project area under consideration here totally lacks integrity, and would be non-contributing element of both properties. Therefore, the proposed telephone cable project will have no effect on either property.

-In regards to your comment that 24BE1690 is shown in our report at a different location than in your records. I found that the text portion of the original site form incorrectly indicates the site is located in the SW ¼ of Section 8, T5S R12W. However, both the topo map attached to the original site form and our fieldwork indicates the site is in fact located in the SW ¼ of Section 8, T5S R12E. Our updated site form and our report references to the site's location use this corrected legal location.

-In regards to 24BE1695, the Polaris School, we feel the original site form and our project area overview provide sufficient contextual data with which to evaluate the significance of the property. We would also agree with the original site recorder (Speulda 1993) that the site is significant under criterion A. However, upon reevaluation, we would question our original assessment of the site's integrity. Although the site's integrity has been degraded as a result of recent modification, it still appears to retain sufficient integrity to convey its significance and is therefore recommended eligible for listing in the NR under criterion A. Our survey work indicates there are no historic or prehistoric archaeological deposits associated with the property.

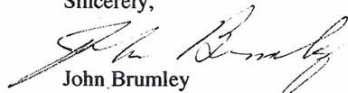
The proposed telephone cable route passes just outside the defined site boundaries and approaches no closer than 15 meters/50 feet to the school building itself (see attached sketch map from report [Figure 29]). Therefore, the proposed development will have no effect on the site.

-For property 24BE1922, the Selway Ranch, my client advises me that since our original survey, the scope of the original project area has been reduced to some extent. The result is that the proposed telephone cable project now terminates approximately one mile from property 24BE1922, and now passes nowhere near its vicinity. Therefore, the proposed development will have no effect on the property.

-For 24BE2134, the abandoned homestead, I suggest we agree to disagree concerning the NR eligibility of the property. You are correct in saying we have presented limited contextual information on the property. We didn't find any. However, although the property is located near, it is fully outside the proposed cable project's development area. The proposed cable route passes no closer than 5 meters/16 feet from the cabin. Therefore, the proposed development will have no effect on the property.

Based on the above discussion, would you please indicate whether you feel there are any remaining cultural resource concerns that Central Montana Communications should address before proceeding with its proposed development.

Sincerely,



John Brumley

310 PERMIT
CONSERVATION DISTRICT'S DECISIONAPPLICATION NO. BC00813
DECISION DATE March 20, 2008

Notice: THIS AUTHORIZATION DOES NOT GIVE PERMISSION TO CARRY OUT A PROJECT ON LAND THAT IS NOT OWNED BY THE HOLDER OF THIS PERMIT. Landowner permission, easements or other federal, state, or local permits, licenses, special use permits, or authorizations may be required before construction of the project. It is the duty of the holder of this permit to determine which are necessary and obtain them prior to construction of the project.

Name of Applicant Southern Montana Power Co
Address P.O. Box 205 City Wisdom State MT Zip 59761
Perennial Stream Ponderosa Slough

Supervisors' Decision (circle): Approved Approved w/ Modification Denied Not a Project
Explanation:

☐ See attached (if more room is necessary)

Extension of BC00662

Permit Expiration Date March 20, 2009 Work may begin on or after: _____

Date Transmitted to Applicant and DFWP _____

Supervisors' Signatures:

Carl Smith
Art Christensen
Roncho May

Byron Martine

TO BE COMPLETED BY THE APPLICANT

Check the appropriate box, sign and return a copy to the district office **within 15 days** of receipt of this permit.

- ☐ I agree to proceed with the project in accordance with the approved application and specifications outlined in this permit and will allow a follow-up inspection.
- ☐ I disagree with the terms of this permit and I will seek judicial review in district court within 15 days of receipt of this permit. (This box may only be checked if you did not sign an arbitration agreement when you submitted your application.)
- ☐ I disagree with the terms of this permit and hereby request arbitration. I agree to abide by the arbitration agreement attached to or on the reverse of this form – OR, if an arbitration agreement was signed when the permit application was submitted, I will abide that agreement.

Signature

Applicant: _____

Date: _____

of _____

STATE OF MONTANA
NATURAL STREAMBED AND LAND
PRESERVATION ACT (310 LAW)Application No. BC00813
Date Submitted to District 2-26-2008

TEAM MEMBER REPORT

1. Applicant So MT Phase Co
 Name of perennial stream Potomac Slough County Beaumont
 Location of proposed activity SW ☐ SW ☐ NW ☐ Section 35 Township 25 Range 9W
2. Onsite inspection at waived on _____ at _____
 (location) (date) (time)
3. Review considerations:
- | | Insignificant | Moderate | Significant | N/A |
|--|--|--------------------------|-----------------------------|--------------------------|
| (a) effects of soil erosion and sedimentation: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) risk of flooding or erosion problems upstream or down: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) effects of stream channel alterations: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) effects on streamflow, turbidity, or water quality caused by materials used or by removal of ground cover: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) effects on fish and aquatic habitat: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) are there reasonable alternatives to reduce disturbance to stream or better accomplish the purpose of the project? | <input type="checkbox"/> yes (see below) | | <input type="checkbox"/> no | |

4. Recommendation:

- ☒ Approval as proposed ☐ Approval with modifications ☐ Denial ☐ Request for time extension

5. Modifications/Comments:

- ☐ See attached (if more room is necessary)

Recommend one year extension per Directional Base.

Signature of Team Member(s)

Name/Representing Byron Martinell ☐ Waive 15-day waiting period after board's decisionDate 03-19-08Name/Representing Byron Martinell ☐ Waive 15-day waiting period after board's decisionDate 03-19-08Name/Representing ☐ Waive 15-day waiting period after board's decision

Date _____

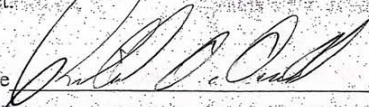
Bcd08013

318 AUTHORIZATION REVIEW

I have reviewed the above project on behalf of the Montana Department of Environmental Quality (DEQ) pursuant to the Montana Water Quality Short-term Water Quality Standards for Turbidity 75-5-318 MCA:

- ☒ This project **will not** increase turbidity if completed according to the conditions listed in the 310 or 124 permit. Therefore, application to DEQ for a 318 authorization **is not** required.
- ☐ Impacts to the physical and biological environment from turbidity generated as a result of this project are uncertain. Therefore, the applicant must contact the Montana Department of Environmental Quality, 1520 East Sixth Avenue, Box 200901, Helena, MT 59620-0901, (406 444-3080) to determine project specific narrative conditions required to meet short-term water quality standards and protect aquatic biota.
- ☐ Turbidity generated from this project is expected to be short-term and have only temporary and minor impacts on the physical and biological environment. Therefore, compliance with the conditions stated in *DEQ's Short Term Water Quality Standard for Turbidity Related to Construction Activity*, as well as other conditions listed in the 310 or 124 permit, are appropriate for this project.

DFWP Representative's Signature



Date 03-18-08

STATE OF MONTANA
NATURAL STREAMBED AND LAND
PRESERVATION ACT (310 LAW)

Application No. BCD0813
Date Submitted to District 2-26-2008

TEAM MEMBER REPORT

1. Applicant So mt Phase Co
Name of perennial stream Powder River Slough County Beaumont
Location of proposed activity S10 ☐ S20 ☐ NW ☐ Section 35 Township 25 Range 9W
2. Onsite inspection at waived on _____ at _____
(location) (date) (time)
3. Review considerations:
- | | Insignificant | Moderate | Significant | N/A |
|--|--|--------------------------|-----------------------------|--------------------------|
| (a) effects of soil erosion and sedimentation: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) risk of flooding or erosion problems upstream or down: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) effects of stream channel alterations: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) effects on streamflow, turbidity, or water quality caused by materials used or by removal of ground cover: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) effects on fish and aquatic habitat: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) are there reasonable alternatives to reduce disturbance to stream or better accomplish the purpose of the project? | <input type="checkbox"/> yes (see below) | | <input type="checkbox"/> no | |
4. Recommendation:
- ☒ Approval as proposed ☐ Approval with modifications ☐ Denial ☐ Request for time extension
5. Modifications/Comments:
☐ See attached (if more room is necessary)

Recommend one year extension for Directional Bore.

Signature of Team Member(s)

Name/Representing Byron Martinell ☐ Waive 15-day waiting period after board's decisionDate 03-19-08Name/Representing ☐ Waive 15-day waiting period after board's decisionDate 03-19-08Name/Representing ☐ Waive 15-day waiting period after board's decision

Date _____

BCD28013

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DFWP Representative's Signature



Date 03-19-08

**310 PERMIT
CONSERVATION DISTRICT'S DECISION**

APPLICATION NO. BC00813
DECISION DATE March 20, 2008

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Name of Applicant Southern Montana Power Co
Address P.O. Box 205 City Wisdom State MT Zip 59761
Perennial Stream Ponderosa Slough

Supervisors' Decision (circle): Approved Approved w/ Modification Denied Not a Project

Explanation:

☐ See attached (if more room is necessary)

Extension of BC00662

Permit Expiration Date March 20, 2009 Work may begin on or after: _____

Date Transmitted to Applicant and DFWP _____

Supervisors' Signatures:

Carl Smith
Art Christensen
Roncho May

Byron Martine

TO BE COMPLETED BY THE APPLICANT

Check the appropriate box, sign and return a copy to the district office **within 15 days** of receipt of this permit.

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Signature

Applicant: _____

Date: _____

of _____